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SUBJECT: CRITERIA TO EVALUATE NIGERIA'S 2007 ELECTIONS

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Classified By: Ambassador John Campbell for reasons 1.4 (b) and (d)

¶1. (C) This cable suggests the criteria by which USG might evaluate the credibility of Nigeria's 2007 elections. The criteria take into account relevant international standards such as the ECOWAS Democracy Charter, SADC Principles and Guidelines Governing Democratic Elections, and the Inter-Parliamentary Union Criteria for Free and Fair Elections. Use of the same criteria over time would help us to be consistent in our evaluations of Nigeria's preparation for and eventual conduct of the crucial presidential, legislative, and gubernatorial elections scheduled for April ¶2007. These elections are an historic moment for Nigeria and should mark the country's first successful transition from one elected, civilian government to another. Therefore, it is vitally important that the USG and the international community support Nigerian democracy by urging the government, civil society, candidates and political parties to play their part and to make the 2007 elections as credible as possible.

¶2. (C) There are at least three overriding principles by which we suggest judging the success of Nigeria's 2007 polls:

-Were the elections conducted in accordance with the Nigerian constitution and related laws?

-Was the election (including pre-election preparations, conduct of the polls, tabulation, and announcement of results) deemed acceptable by the Nigerian people?

-Was the judicial system allowed, per the Nigerian constitution and supporting laws, to be the final arbiter on disputes and other legal issues arising from the organization and conduct of the elections? Did the judiciary rule in a timely manner on the issues brought before it for adjudication?

The draft criteria are outlined in greater detail below, with citations to relevant sections of the ECOWAS Charter on Democracy and Good Governance where appropriate. A separate cable will follow with post's evaluation of where Nigeria stands at present and subsequent cables will continue to evaluate Nigeria's progress up to and after the April elections. Post notes that these criteria must be taken holistically and that no one criterion will make or break the election. Rather, we expect that the Nigerian elections will succeed in some of these areas and fall short in others. We

will have to make a contextual judgment about the importance of each success or failure to come to an overall judgment about the credibility. That final judgment will be made in large part with reference to the three overarching criteria above.

13. (C) The criteria by which U.S. Mission Nigeria proposes to judge the success of Nigeria's 2007 election are:

1A. Pre-election technical preparations (see ECOWAS Charter Section II, Article 2-5)

(1) Is the revised electoral law considered to be acceptable and legitimate by the Nigerian people?

(2) Were the voter registration timetables in the constitution and electoral law adhered to?

(3) Was an amendment to the 2006 Electoral Act passed to legalize continued voter registration after December 14, 2006?

(4) Did INEC conduct a public information campaign to educate the public on voter registration sites and timetables?

(5) Does anecdotal evidence show that a majority of those so desiring were able to register?

(6) Is the total number of registered voters at least comparable to the number registered in 2003 (given Nigeria's rapidly growing population)?

(7) Were voter registration cards issued?

(8) Was the voters roll produced in digital form? Was the final voters roll published and widely available?

(9) Was a process in place (and publicized) to allow for correction or challenge of the data on the voters roll in sufficient time to make corrections before the election?

(10) Was information on the date and time of polling and location of polling sites readily available in print and broadcast media?

(11) Did INEC have the necessary funds for training,

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supplies and logistical issues associated with elections?

(12) Were ballots, ballot boxes and other materials procured on time?

(13) Were the voting materials stored securely ahead of the polls in order to avoid fraud and manipulation?

(14) Was a process established and well-publicized to accredit domestic monitors and international observers?

(15) Did INEC publicize guidelines for party polling agents, domestic monitors, and international observers?

(16) Were legitimate civil society groups registered and allowed to serve as election monitors?

(17) Were all requesting international observer delegations accredited?

1B. Political Issues-- Is there a level playing ground for all parties/candidates? (See ECOWAS Charter Section I, subsection (i)-(k) and Section II, Article 3,6,9,and 10.)

(1) Were political parties registered by INEC without prejudice in accordance with the electoral law?

(2) Was the use of INEC, EFCC or other government agencies to "screen" or disqualify candidates, particularly opposition candidates, limited and reasonable?

(3) Were any leading opposition candidates disqualified in the immediate run-up to elections?

(4) Did all parties/candidates have reasonably fair access to the media (including government-owned media) for campaigning purposes?

(5) Were political rallies and meetings generally allowed to take place (in accordance with Nigerian law)? Was there any evidence of discrimination in the ability of parties to hold rallies and events?

(6) Were all parties equally prohibited from campaigning at polling stations and placing campaign materials on polling site grounds?

(7) Was there any use of police or other security agents to disqualify candidates, particularly opposition candidates? Were any leading opposition candidates jailed in the immediate run-up to elections?

1C. Election Day: Execution of the Polls and Tabulation of Votes (See ECOWAS charter Section I and Section II, Articles 3,5,6-10)

(1) On election day, are the majority of voters cards considered valid and used without problems?

(2) Do most individuals appear to know where to go to vote?

(3) Can most irregularities observed be attributed to inadequate training of polling officials or simple logistical problems (lack of power, infrastructure) rather than attempts to influence the outcome of the elections?

(4) Did political party observers, domestic monitors, and international observers have unhindered and equal access to polling stations and counting centers?

(5) During the election, were polling officials sufficiently trained and present in sufficient numbers to operate most polling stations? Were they able to carry out basic voter registration verification and allow polling to take place?

(6) Were voting materials (ballots and boxes) present in sufficient number and ready on time at a majority of polling sites?

(7) Were there many instances observed of lost ballot boxes, tally sheets not arriving at the collation point, or other overt attempts to completely falsify the count? Were the number of such incidents observed sufficiently few to likely have little overall effect on the final vote count?

(8) Did the majority of polling stations observed hold a count attended and observed by party polling agents, with all parties allowed equal access to the counting exercise? Did the parties sign the collation sheets and keep their copy?

(9) Were there observed incidents of ballot box stuffing (i.e. more votes cast than registered voters in the ward)? How prevalent were such instances?

(10) Was data transferred in a timely, consistent and transparent fashion from polling stations to collation stations? (Data should be available almost immediately upon release of the results.)

(11) Were votes cast in secret) without interference or observation by fellow voters, polling personnel or security officials) in an overwhelming majority of the sites observed?

(12) Were police, military or other security officials used to influence or intimidate voters on election day?

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1D. Dispute Adjudication: Did the courts rule in a fair and timely manner? (See ECOWAS Charter especially Section II, Article 7 and Article 9)

(1) Were court cases on issues of harassment or disqualification of candidates or parties resolved reasonably and expediently?

(2) Were disputes or challenges to the election results handled fairly, expediently and transparently in the Nigerian courts?

(3) Were the decisions of the courts implemented by the government?

14. (C) Post will send a separate telegram evaluating the current state of Nigeria's preparedness for credible elections based on the criteria above. We suggest use of this cable and subsequent assessments to determine what actions the USG can take, both in Abuja and in Washington, to urge the GON and other actors to take necessary steps to improve the likelihood of credible polls in April. Such actions could include letters, demarches, public statements, and speeches, as well as increased technical assistance if appropriate.

15. (C) ACTION REQUEST: Post requests that Department reply to this cable to indicate acceptance of the evaluation criteria and strategy outlined above.
CAMPBELL